THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.8451 of 2000

Date: 25.07.2007

Between:

P. Rajalingam, S/o. Ramaiah

..... PETITIONER

AND

1. The District Coordinator of Hospital Services & Medical Superintendent District Hqrs., Hospital, Nalgonda District and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.8451 of 2000

ORAL ORDER:

This writ petition has been filed seeking a writ of *mandamus* declaring the tender notification, dated 25.04.2000, as illegal, arbitrary and violative of Article 14 of the Constitution of India.

It is stated that the petitioner, who is a diet contractor of D.C.H.S. Nalgonda Hospital, was supplying various types of cooked diet such as rice, milk, bread, egg etc., to the patients uninterruptedly for the last 14 years. It is also stated that as he had faced difficulties for non-payment of arrears of Rs.1,53,512/-, he made representation to the respondents requesting to pay the enhanced rates with effect from 01.01.1996. In response thereto, the second respondent passed an order on 12.04.1999 requesting the first respondent to pay the diet bills to the petitioner at the enhanced rates with effect from 01.01.1996, provided the petitioner gives convincing letter stating that he had supplied the diet to the patients as per the revised menu. But, the first respondent instead of clearing the arrears and settling the bills, issued the impugned tender notification. Hence, this writ petition.

Initially, the writ petition was dismissed for default on 18.10.2000. Subsequently, it was restored to file on 08.12.2000.

A counter-affidavit has been filed on behalf of the respondents denying the arrears amount due to the petitioner. It is stated that as per Government Order No.539, dated 08.11.1993, a revised diet menu was prepared at new diet rates and the same was served on the petitioner. The petitioner was also informed to give his written consent for the

supply of diet as per the new diet menu. But, the petitioner has not supplied the diet at as per new diet menu. Therefore, he is not entitled to new diet rates. It is also stated that the petitioner has violated the instructions issued by the respondents from time to time for improving the quality and quantity of diet vide letters dated 17.03.2000 and 07.02.2000, and failed to supply the diet to the patients properly. Since the performance of the petitioner was quite unsatisfactory in the supply of diet to the patients, the impugned tender notification was issued.

None appears for the petitioner or the respondents.

In the absence of any stay granted by this Court, by this time, the tender might have been finalized. Therefore, no cause survives in this writ petition for adjudication.

The writ petition is accordingly dismissed. There shall be no order as to costs.

A. GOPAL REDDY, J

Date: 25.07.2007

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